

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gross et al.
Appl. No. : 09/643,141
Filed : 08/22/00
Title : GRAFFITI REMOVER, PAINT STRIPPER, DEGREASER

Grp./A.U. : 1746
Examiner : B. Carrillo

Docket No. : M 6636 CC/CSAP

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Assistant Commissioner for Patents on the date shown below.

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Marlene Capri
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Honorable Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Examiner's Restriction Requirement dated March 26, 2002 in the present application.

The Examiner has made claims 1-54 subject to restriction requirement. The Examiner has indicated that the invention of Group I, claims 1-32 and 51-52, is drawn to compositions classified in Class 510, subclass 201. The invention of Group II, claims 33-50 and 53-54, is said to be directed to a method, classified in Class 134, subclass 38.

The inventions are said to be distinct, each from the other, because the process can be practiced with another materially different product, such as a detergent composition comprising a nonionic surfactant.

Applicant respectfully submits that no clear reason appears in the record to justify grouping claims (1-32 and 51-52) in Group I and claims (33-50 and 53-54) in Group II. More particularly, the Examiner contends that the inventions are different because the

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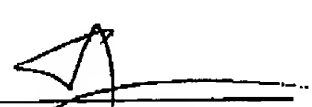
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process can be practiced with another materially different product, such as a detergent composition comprising a nonionic surfactant. However, it is not clear to Applicant whether the detergent composition referred to above by the Examiner can provide a degree of cleaning effectiveness equal to that of the claimed invention, while at the same time being free of terpene.

Moreover, Applicant also respectfully submits that in order to properly consider the invention herein claimed, the subject matter of indicated Groups I and II should be considered together. The fact that the claims of the indicated two groups may be classified separately is not conclusive of independence of invention. The classification system is primarily designed for convenient searching and not necessarily to distinguish separate inventions. It would appear that a complete search of the claims would require a search of all the classes and subclasses identified by the Examiner. Thus, restriction of the application to a single group would not appreciably shorten the necessary search.

The requirement is thus respectfully traversed and reconsideration and withdrawal thereof is requested. However, in order to comply with the requirement of Rule 142, Applicant is provisionally electing the invention of Group II, claims 33-50 and 53-54, with traverse, for further examination on the merits.

Respectfully submitted,



Steven J. Trzaska
(Reg. No. 36,296)
Attorney For Applicant(s)
(610) 278-4929

Cognis Corporation
Patent Department
2500 Renaissance Boulevard, Suite 200
Gulph Mills, PA 19406

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